

MESSAGE NO: 7121115

MESSAGE DATE: 05/01/1997

MESSAGE STATUS: Active

CATEGORY: Antidumping

TYPE: COR

PUBLIC ☒

NON-PUBLIC ☐

SUB-TYPE:

FR CITE: FR

FR CITE DATE:

REFERENCE 6228111
MESSAGE #
(s):

CASE #(s): A-462-105

EFFECTIVE DATE:

COURT CASE #:

PERIOD OF REVIEW:

TO

PERIOD COVERED: 12/20/1995 TO

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

FROM: { Director AD/CVD & Revenue Policy & Programs }

RE: CLARIFICATION OF ANTIDUMPING ORDER PURE MAGNESIUM FROM THE
RUSSIAN FEDERATION (A-462-105)

MESSAGE NO: 7121115

DATE: 05 01 1997

CATEGORY: ADA

TYPE: COR

REFERENCE: 6228111

REFERENCE DATE: 08 15 1996

CASES: A - 462 - 105

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PERIOD COVERED: 12 20 1995 TO

LIQ SUSPENSION DATE:

TO: CMC DIRECTORS,
PORT DIRECTORS

FROM: DIRECTOR, IMPORT OPERATIONS

RE: CLARIFICATION OF ANTIDUMPING ORDER PURE MAGNESIUM FROM
THE RUSSIAN FEDERATION (A-462-105)

1. THE DEPARTMENT OF COMMERCE PUBLISHED IN THE FEDERAL REGISTER ON DECEMBER 20, 1995, NOTICE OF ITS AMENDED ANTIDUMPING DUTY ORDER IN THE ANTIDUMPING DUTY INVESTIGATION OF PURE MAGNESIUM FROM THE RUSSIAN FEDERATION. THIS NOTICE CLARIFIES THE PRODUCT COVERAGE OF THE ANTIDUMPING ORDER AND REVISES PARAGRAPH 2 OF MESSAGE NO 6228111 DATED 8/15/96.

2. THE PRODUCT COVERED BY THIS ORDER IS PURE PRIMARY MAGNESIUM REGARDLESS OF CHEMISTRY, FORM OR SIZE, UNLESS EXPRESSLY EXCLUDED

FROM THE SCOPE OF THIS ORDER. PURE PRIMARY MAGNESIUM ENCOMPASSES

PRODUCTS (INCLUDING, BUT NOT LIMITED TO, BUTT ENDS, STUBS, CROWNS AND CRYSTALS) WITH THE FOLLOWING PRIMARY MAGNESIUM CONTENTS:

(1)PRODUCTS THAT CONTAIN AT LEAST 99.95% PRIMARY MAGNESIUM, BY WEIGHT (GENERALLY REFERRED TO AS "ULTRA-PURE" MAGNESIUM);

(2)PRODUCTS THAT CONTAIN LESS THAN 99.95%, BUT NOT LESS THAN 99.8% PRIMARY MAGNESIUM, BY WEIGHT (GENERALLY REFERRED TO AS "PURE" MAGNESIUM); AND

(3)PRODUCTS (GENERALLY REFERRED TO AS "OFF-SPECIFICATION PURE" MAGNESIUM) THAT CONTAIN 50% OR GREATER, BUT LESS THAN 99.8%, PRIMARY MAGNESIUM, BY WEIGHT, AND THAT DO NOT CONFORM TO ASTM SPECIFICATIONS FOR ALLOY MAGNESIUM.

"OFF-SPECIFICATION PURE" MAGNESIUM IS PURE PRIMARY MAGNESIUM CONTAINING MAGNESIUM SCRAP, SECONDARY MAGNESIUM, OXIDIZED MAGNESIUM OR IMPURITIES (WHETHER OR NOT INTENTIONALLY ADDED) THAT CAUSE THE PRIMARY MAGNESIUM CONTENT TO FALL BELOW 99.8% BY WEIGHT. IT GENERALLY DOES NOT CONTAIN, INDIVIDUALLY OR IN COMBINATION, 1.5% OR MORE, BY WEIGHT, OF THE FOLLOWING ALLOYING ELEMENTS: ALUMINUM, MANGANESE, ZINC, SILICON, THORIUM, ZIRCONIUM AND RARE EARTHS.

IF ENTRY DOCUMENTATION FAILS TO ESTABLISH THAT THE PURE PRIMARY MAGNESIUM CONTENT OF THE IMPORTED MERCHANDISE FALLS OUTSIDE OF THE ABOVE-DESCRIBED PARAMETERS, THEN LIQUIDATION SHALL BE SUSPENDED AND APPROPRIATE ANTIDUMPING DUTY DEPOSITS COLLECTED UNLESS THE MERCHANDISE IS EXPRESSLY EXCLUDED FROM THE ORDERS AS DESCRIBED BELOW.

THE ONLY PRIMARY MAGNESIUM PRODUCTS THAT ARE EXCLUDED FROM THE SCOPE OF THIS ORDER ARE ALLOY PRIMARY MAGNESIUM (THAT MEETS ASTM SPECIFICATIONS FOR ALLOY MAGNESIUM), PRIMARY MAGNESIUM ANODES, GRANULAR PRIMARY MAGNESIUM (INCLUDING TURNINGS, CHIPS AND POWDERS) HAVING A MAXIMUM PHYSICAL DIMENSION (I.E., LENGTH OR

DIAMETER) OF ONE INCH OR LESS, SECONDARY MAGNESIUM (WHICH HAS A PURE PRIMARY MAGNESIUM CONTENT OF LESS THAN 50 % BY WIEGHT), AND REMELTED MAGNESIUM WHOSE PURE PRIMARY MAGNESIUM CONTENT IS LESS THAN 50%, BY WEIGHT. IF THE ENTRY DOCUMENTATION FAILS TO ESTABLISH THAT THE IMPORTED MERCHANDISE (1)MEETS ASTM SPECIFICATION FOR ALLOY MAGNESIUM; (2)HAS A MAXIMUM PHYSICAL DIMENSION (I.E., LENGTH OR DIAMETER) OF ONE INCH OR LESS; (3)IS SECONDARY MAGNESIUM (WHICH HAS A PURE PRIMARY MAGNESIUM CONTENT OF LESS THAN 50% BY WEIGHT; OR (4)IS REMELTED MAGNESIUM WHOSE PURE PRIMARY MAGNESIUM CONTENT IS LESS THAN 50%, BY WEIGHT, THEN LIQUIDATION SHALL BE SUSPENDED AND APPROPRIATE ANTIDUMPING DUTY DEPOSITS COLLECTED.

PURE MAGNESIUM PRODUCTS COVERED BY THIS ORDER ARE CLASSIFIABLE UNDER HTS SUBHEADINGS 8104.11.00, 8104.19.00, 8104.20.00, 8104.30.00, 8104.90.00, 3824.90.11, 3824.90.19, AND 9817.00.90.

3. FOR FURTHER REPORTING PURPOSES, THIS CASE HAS BEEN ASSIGNED THE FOLLOWING DOC CASE NUMBER:(A-821-805). FOR CUSTOMS PURPOSES ONLY, THE CASE HAS BEEN ASSIGNED ID NUMBER (A-462-105).

4. THE DEPARTMENT OF COMMERCE INVESTIGATED EXPORTS OF PURE MAGNESIUM THAT HAD BEEN PRODUCED BY TWO PRODUCERS, AVISMA AND SOLIKAMSK MAGNESIUM WORKS (SMW), AND THAT HAD BEEN EXPORTED BY NUMEROUS EXPORTERS. BASED ON THE INVESTIGATION RESULTS, THE FOLLOWING INSTRUCTIONS APPLY:

FOR ENTRIES WHERE BOTH OF THE FOLLOWING CONDITIONS HAVE BEEN SATISFACTORILY DEMONSTRATED, THE MERCHANDISE EXCLUDED FROM THE ORDER AND SUSPENSION OF LIQUIDATION DOES NOT APPLY:(1)THE EXPORTER WHO FIRST SOLD THE MERCHANDISE WITH THE KNOWLEDGE THAT THE MERCHANDISE WAS DESTINED FOR THE U.S. MARKET IS EITHER AIOC, GERALD METALS, GREENWICH METALS, HOCHSCHILD PARTNERS, INTERLINK, OR MG METALS; AND (2) THE PRODUCER IS EITHER AVISMA OR SMW.

FOR ENTRIES WHERE BOTH OF THE FOLLOWING CONDITIONS HAVE BEEN SATISFACTORILY DEMONSTRATED, THE MERCHANDISE IS EXCLUDED FROM THE

ORDER AND SUSPENSION OF LIQUIDATION DOES NOT APPLY: (1)THE EXPORTER WHO FIRST SOLD THE MRCHANDISE WITH THE KNOWLEDGE THAT THE MERCHANDISE WAS DESTINED FOR THE U.S. MARKET IS EITHER RAZNO ALLOYS, HUNTER DOUGLAS, OR SMW (NOTE:SMW IS BOTH AN EXPORTER AND A PRODUCER); AND (2) THE PRODUCER IS SMW.

FOR ENTRIES WHICH THE IMPORTER FAILS TO DEMONSTRATE TO CUSTOMS' SATISFACTION THAT ONE OF THE ABOVE SETS OF CONDITIONS APPLIES EXACTLY AS STATED, THE DEPOSIT RATE IS 100.25%.

THE U.S.CUSTOMS SERVICE SHALL, EXCEPT AS NOTED ABOVE, CONTINUE TO SUSPEND LIQUIDATION OF ALL ENTRY SUMMARIES OF PURE MAGNESIUM FROM THE RUSSIAN FEDERATION THAT ARE ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION ON OR AFTER NOVEMBER 7, 1994. EFFECTIVE MAY 12, 1995, CUSTOMS SHALL, EXCEPT AS NOTED ABOVE, REQUIRE A CASH DEPOSIT FOR SUCH ENTRY SUMMARIES OF THE SUBJECT MERCHANDISE ACCORDING TO THE FOLLOWING SCHEDULE.

| MANUFACTURER/ EXPORTER | CUSTOMS ID NUMBER | MARGIN PERCENTAGE |
|---------------------------|----------------------|----------------------|
|---------------------------|----------------------|----------------------|

ALL THIRD COUNTRY

| | | |
|-----------------------|---------------|---------|
| EXPORTERS&RESELLERS | A-462-105-001 | 100.25% |
| AIOC | A-462-105-002 | 0.0% |
| GERALD METALS | A-462-105-003 | 0.0% |
| HUNTER DOUGLAS | A-462-105-004 | 0.0% |
| INTERLINK | A-462-105-005 | 0.0% |
| MG METALS | A-462-105-006 | 0.0% |
| RAZNO | A-462-105-007 | 0.0% |
| F&S ALLOYS & MINERALS | A-462-105-007 | 100.25% |
| W&O BERGMANN GMBH | A-462-105-009 | 100.25% |
| DEREK RAPHAEL & CO. | A-462-105-010 | 100.25% |
| MARCO TRADING CO. | A-462-105-011 | 100.25% |
| WOGEN GROUP LTD. | A-462-105-012 | 100.25% |
| ALEX | A-462-105-013 | 100.25% |

| | | |
|-------------|---------------|---------|
| MAGES | A-462-105-014 | 100.25% |
| HOCHSCHILD | A-462-105-015 | 0.0% |
| GREENWICH | A-462-105-016 | 0.0% |
| SMW | A-462-105-017 | 0.0% |
| RUSSIA WIDE | A-462-105-000 | 100.25% |

ENTRIES FROM EXPORTERS WHOSE MARGINS ARE ZERO ARE EXCLUDED ONLY
UNDER THE CIRCUMSTANCES DESCRIBED ABOVE.

5. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CUSTOMS OFFICERS, PLEASE CONTACT VIA E-MAIL, THROUGH THE APPROPRIATE SUPERVISORY CHANNELS, IMPORT OPERATIONS, ANTIDUMPING/COUNTERVAILING DUTY, USING ATTRIBUTE "HQ OAB". OTHER INTERESTED PARTIES SHOULD CONTACT ELLEN GREBASCH, IMPORT ADMINISTRATION, INTERNATIONAL TRADE ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE, TELEPHONE (202)482-3773.

6. THERE ARE NO RESTRICTIONS ON THE RELEASE OF THIS INFORMATION.

PAUL SCHWARTZ
(ACTING)

Company Details

*Party Indicator Value:

I = Importer, M = Manufacturer, E = Exporter, S = Sold To Party